

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

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) MDL NO. 1456
) Civil Action No. 01-12257-PBS
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THIS DOCUMENT RELATES TO THE
MASTER CONSOLIDATED CLASS ACTION

**NON-PARTY TUFTS ASSOCIATED HEALTH PLANS, INC.'S
MOTION FOR LEAVE TO FILE A RESPONSE TO DEFENDANT DEY, INC.
AND ABBOTT LABORATORIES' OBJECTIONS TO THE ORDER OF CHIEF
MAGISTRATE BOWLER ISSUED FEBRUARY 4, 2006**

Pursuant to Local Rule 7.1(B)(3), Tufts Associated Health Plans, Inc. ("Tufts Health Plan"), a nonparty member of the plaintiff class, requests leave to file the attached Response to Dey, Inc.'s and Abbott Laboratories' Objections to the discovery order issued by Chief Magistrate Bowler on February 4, 2006 regarding the subpoena issued to Tufts Health Plan. In support of its Motion, Tufts Health Plan states that defendants have assented to plaintiffs' Motion, filed February 22, 2006 on behalf of themselves and the nonparties alike, to file such responses by March 8, 2006.

Respectfully submitted,

TUFTS ASSOCIATED HEALTH PLANS,
INC.

By its attorney,

/s/ Anne L. Josephson
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Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for Dey, Inc. with a copy to David Nalven, Liaison and Co-Lead Counsel for plaintiffs, via email on March 8, 2006.

/s/ Anne L. Josephson
Anne L. Josephson